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LeBaron, Richard B (London)

From: Poisson, Beth L (London)
Sent: Friday, February 22, 2008 9:05 AM
To: Bellinger, John B (Legal); Yoder, Barbara B; Armstrong, Bruce W; Allegrone, Kathleen H; Graffy, Colleen P; Padmanabhan, Vijay M; Haspel, Gina C (London)
Cc: LeBaron, Richard B (London); Tremont, Pamela M (London); Mills Jr., Richard M (London); Connelly, Maura (London); Clark, Sandra E (London); Walkley, Barrie R (London)
Subject: FW: Bellinger Roundtable

R 357

Below please find print articles resulting from L's roundtable at the Embassy yesterday afternoon.

RELEASED IN PART
B1, 1.4(B), 1.4(D)

From: Evans, John-Paul (London)
Sent: Friday, February 22, 2008 8:10 AM
To: Parvin, Claire (London); Girvan, Anna (London)
Subject: RE: Bellinger

The Information Resource Center
X2618/2643
reflond@state.gov

The Guardian **Embarrassed Miliband admits two US rendition flights refuelled on British soil**
The Times **US aircraft did use British base to transport terrorist suspects**
Associated Press **US Fears Backlash Over Terror Flights**
Associated Press **CIA Confirms Rendition Flights to Brits**

Embarrassed Miliband admits two US rendition flights refuelled on British soil
Richard Norton-Taylor and Julian Borger
The Guardian
Friday February 22 2008

British government officials expressed embarrassment and anger at Washington last night after they were forced to admit that US rendition flights carrying terror suspects for secret interrogation had twice landed on British soil.

In an apology to the Commons, David Miliband, the foreign secretary, told MPs that contrary to "earlier explicit assurances" two flights landed at Diego Garcia, the British Indian Ocean territory where the US has a large air base, in 2002. He said the flights had been mistakenly overlooked in previous US internal inquiries carried out at the UK's behest.

A senior American official said the renditions had come to light only when CIA flight crews were interviewed directly. John Bellinger, chief legal adviser in the US state department, said CIA officials were now "as confident as they can be" that no other detainees had been flown through Britain on secret rendition flights over the past six years of America's "war on terror".

The government's deep unease over an issue which has strained relations between the two close allies was made clear by Miliband's disclosure that he had asked his officials to compile a list of all flights on which rendition had been alleged. Bellinger said the Bush administration would look at the list "and see how we can appropriately respond".

In his statement, Miliband said the two flights had refuelled at Diego Garcia. Each one had a single detainee on board who did not leave the aircraft.

British and US officials all refused to give details about the two detainees in question other than that one was in Guantánamo Bay and the other had been released.

Mike Hayden, the CIA director, said neither of the two men "was ever part of the CIA's high-value terrorist interrogation programme" - a reference to "waterboarding" and other techniques considered to amount to torture, and thus be illegal, by Britain but not by the US.

UNITED STATES DEPARTMENT OF STATE
CLASSIFIED BY DEPT. OF STATE, L. HEDGEBETH, DAS, A/ISS
CLASSIFICATION: CONFIDENTIAL REASON: 1.4(B), 1.4(D)
DECLASSIFY AFTER: 21 FEB 2033
DATE/CASE ID: 03 JUN 2009 200706444

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However, both Miliband and Bellinger left unanswered the question of what happened to the detainees immediately before and after they were transported through Diego Garcia.

Miliband told the Commons that despite repeated requests to the US by the British government, prompted by repeated allegations by MPs and journalists, only now had US records revealed the existence of the flights.

Bellinger, who was in the Commons yesterday to hear the foreign secretary's statement, said the Bush administration had not informed Britain at the time because it was not legally obliged to. He promised there would no future rendition flights without UK approval, and said there were no such requests pending.

Gordon Brown, who was in Brussels yesterday, said: "It is unfortunate that this was not known ... but it's important [to ensure] this will not happen again."

Andrew Tyrie, chairman of the all-party committee on rendition, said: "This statement [by Miliband] will leave the British public unwilling to trust other assurances we have received from the US. We should bear in mind that these extraordinary renditions are probably illegal and certainly unethical."

Sir Menzies Campbell, the former Lib Dem leader, to whom Miliband apologised for having been misled, said the situation was a gross embarrassment for the government and "a breaching of our moral obligations and possibly of our legal responsibilities". The government had "no effective control" over what happened at the Diego Garcia site.

Clive Stafford Smith, director of Reprieve, the legal action charity, said: "Since January 2003, the British government has stated again and again that Diego Garcia was never used by the CIA for its torture flights."

The human rights group Liberty called for an inquiry into what it called "UK complicity". Shami Chakrabarti, its director, said: "It is far too easy for our government to blame the Americans for lack of information, particularly as Liberty has been asking the Foreign Office to investigate US torture flights for more than two years."

The Times

February 22, 2008

US aircraft did use British base to transport terrorist suspects
Francis Elliott and Frances Gibb

British facilities were used by the US to transport terrorist suspects at least twice, despite repeated government denials – including by Tony Blair – that the UK had any involvement in extraordinary rendition flights.

David Miliband, the Foreign Secretary, admitted that two US flights carrying terrorist suspects refuelled at the airbase on the British Indian Ocean territory of Diego Garcia in 2002.

In a statement to the Commons he apologised to MPs for having to correct previous denials, blaming a US "administrative error" that had only just come to light. Condoleezza Rice, the US Secretary of State, had expressed her "deep regret" at the error and had phoned him to apologise on Wednesday.

Gordon Brown made little attempt to hide his irritation, telling reporters of his disappointment at the "very serious" issue. The Prime Minister said: "We have got to assure ourselves that these procedures will never happen again. It is unfortunate that this was not known and it was unfortunate it happened without us knowing that it had happened, but it's important to put in procedures [to ensure] that this will not happen again." John Bellinger, legal adviser to Ms Rice, told a press briefing in London that the error came to light after a "new and even more exhaustive search" carried out in response to continuing allegations that Diego Garcia had been used for such flights.

The US Government had asked the CIA to revisit the records and interview the flight crews, he said. The mistake had arisen because of "an administrative error in the way record searches were conducted".

Mr Miliband said that Britain was seeking "specific assurances" from Washington on all flights about which concerns had been expressed regarding the use of UK territory. Each of the two flights was carrying a single, non-British detainee who did not leave the plane while it was on the ground, he said. One of those detainees has since been released, but the other is still being held at Guantanamo Bay. It is understood one of the flights was en route to the detention centre in Cuba while the other was headed for Morocco.

Andrew Tyrie, the Conservative MP for Chichester and chairman of the All-Party Group on Rendition, said that yesterday's admission would undermine faith in US promises on rendition. "This statement will leave the British public unwilling to trust other assurances we have received from the US," he said.

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Mr Blair told MPs less than a year ago that there was no evidence that Diego Garcia had been used by the US to transport terrorist suspects to CIA detention facilities. Three months ago the Foreign Office Minister, Kim Howells, wrote to Mr Tyrie rejecting his call for Britain to investigate independently claims that the British territory had been used to facilitate extraordinary renditions. Mr Howells said that he had received "robust assurances" from the US just the previous month.

What the Government said

"We have not approved and will not approve a policy of facilitating the transfer of individuals through the UK to places where . . . they would face a real risk of torture" – Foreign Office, Jan 19, 2006

"The British Government is not aware of any cases of rendition through the UK since May 1997, apart from the two cases in 1998" – Alistair Darling, March 17, 2006

"I am satisfied . . . that the only rendition which has taken place have been as I have stated" – Jack Straw, then Foreign Secretary, March 31, 2006

"There is no evidence that US rendition flights have used UK airspace (except the two cases in 1998)" – Intelligence and Security Committee report, June 28, 2007

"We would not allow transfer of detainees through our airspace if we had any concerns about individuals" – Letter from Kim Howells, Foreign Office Minister, Nov 2007

"Contrary to earlier explicit assurances that Diego Garcia had not been used for rendition flights, recent US investigations have revealed two occasions in 2002, when this had in fact occurred" David Miliband, Feb 21, 2008

US Fears Backlash Over Terror Flights

Matthew Lee

Associated Press Writer

21 February 2008

WASHINGTON (AP) - The Bush administration is bracing for a diplomatic backlash after conceding it used British territory to transport suspected terrorists on secret rendition flights despite repeated earlier assurances the U.S. had not.

U.S. officials have sought to quell the fallout by apologizing to Britain for what they said was an "administrative error." The admission, however, may reopen a bitter debate between the United States and its allies over how the fight against terrorism should be conducted and compromise future cooperation.

"Mistakes were made in the reporting of the information," said Gordon Johndroe, National Security Council spokesman for President Bush. Johndroe insisted that cooperation between the U.S. and Britain would not be affected.

But as a sign of its concern, the State Department sent its top lawyer, **John Bellinger**, to London on Thursday on a two-day mission. **Bellinger** will try to defuse what many expect will be widespread anger that the U.S., when asked in 2004, incorrectly assured its closest ally that neither British soil nor airspace had been used in moving suspected terrorists, officials said.

The CIA used a U.S. military airstrip on the British territory of Diego Garcia in the Indian Ocean to refuel planes carrying two suspects in 2002. That fact was not uncovered until a "self-generated" review by the CIA in late 2007 after persistent media reports, the department said.

"We regret that there was an error in initially providing inaccurate information to a good friend and ally," State Department spokesman **Sean McCormack** said. "Unfortunately, even with the best intentions, unfortunately, even with the most rigorous searches and unfortunately with good technology, sometimes administrative errors occur and this was the case."

He took pains to note that the United States had not violated any obligation it had toward Britain in using Diego Garcia for the flights at the time they occurred. Not until 2003 did the two countries start to work out a "final mutual understanding" that now requires the U.S. to seek and get British permission to use the base for renditions, he said.

Still, the disclosure risks replaying the debate over tactics that came to light in 2005 with the revelation that the CIA had operated secret prisons to interrogate prisoners. Until Thursday, the administration had managed to diminish down the furor through intensive diplomacy.

The British government appears to have accepted the "administrative error" explanation. But London has made it clear that it wanted to review logs related to U.S. operations at Diego Garcia.

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Prime Minister Gordon Brown said he "shared the disappointment that everybody has" about the use of Diego Garcia for the refueling stops and that it was important to ensure it would not happen again.

McCormack said he was not aware of any other countries seeking explanations through diplomatic channels. But State Department officials said U.S. diplomats are prepared to answer questions from foreign governments about the situation.

Governments that ask will be told roughly what CIA Director Michael Hayden acknowledged Thursday: that two rendition flights carrying suspected terrorists did refuel at a U.S. naval base on Diego Garcia, despite what the agency had earlier maintained.

Hayden said in a message to CIA staff that the information previously given to the British "turned out to be wrong."

"The refueling, conducted more than five years ago, lasted just a short time," he said. "But it happened. That we found this mistake ourselves, and that we brought it to the attention of the British government, in no way changes or excuses the reality that we were in the wrong."

Hayden said neither man was tortured. He denied there has ever been a holding facility for CIA prisoners on Diego Garcia. Both men remained on their respective planes during the brief stops, according to a U.S. intelligence official who spoke on condition of anonymity because of the sensitivity of the matter.

One of the two prisoners is now jailed at Guantanamo Bay Naval Base and the other was released to his home country, where he has since been freed, the official said. Neither man was part of the CIA's interrogation and detention program, according to the official, who said the CIA only moved them from one country to another through Diego Garcia.

Rights groups demanded a full accounting of the CIA's rendition program, under which suspects are transported from one country to another, usually in secrecy, without the benefit of open legal proceedings.

"It's high time the agency is held accountable," said Julia Hall of Human Rights Watch. She also sought an investigation into the British role in the program. "The U.S. flew hundreds of flights across Europe so the only way to have full accountability is for (Britain) to launch a thorough, national investigation."

Hayden delivered the news to the British government last weekend on a previously scheduled trip to London. Secretary of State Condoleezza Rice spoke to British Foreign Secretary David Miliband on Wednesday and was told he would announce the discovery in Parliament.

Amid the uproar over the detention program, Rice told reporters in December 2005 that the United States respects the sovereignty of foreign countries when conducting intelligence operations within their borders, suggesting the CIA conducts rendition flights with the permission of the governments involved.

But Rice sidestepped a specific question about the role of Britain in such flights in an interview on Dec. 6, 2005, with British television.

"We have obligations under our international conventions and we are respecting the sovereignty of our allies," she told Sky News. "We are not using the airspace or the airports of any of our partners for activities that would lead renditions to torture. We don't send people to be tortured."

CIA Confirms Rendition Flights to Brits

By PAMELA HESS

21 February 2008

19:00

Associated Press Newswires

WASHINGTON (AP) - CIA Director Michael Hayden acknowledged Thursday that two rendition flights carrying terror suspects refueled on British territory, despite repeated U.S. assurances that none of the secret flights since the Sept. 11 attacks had used British airspace or soil.

Hayden told agency employees that information previously provided to the British "turned out to be wrong."

The spy agency reviewed rendition records late last year and discovered that in 2002 the CIA had in fact refueled two separate planes, each carrying a terror suspect, on Diego Garcia, a British island territory in the Indian Ocean.

"The refueling, conducted more than five years ago, lasted just a short time. But it happened. That we found this mistake ourselves, and that we brought it to the attention of the British government, in no way changes or excuses the reality that

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we were in the wrong. An important part of intelligence work, inherently urgent, complex, and uncertain, is to take responsibility for errors and to learn from them," Hayden stated in the message obtained by The Associated Press.

Hayden said neither man was tortured and denied there has ever been a holding facility for CIA prisoners on Diego Garcia. Both men remained on their respective planes during the brief stops, according to a U.S. intelligence official who spoke on condition of anonymity because of the sensitivity of the matter.

Hayden delivered the news to the British government last weekend on a previously scheduled trip to London.

British Foreign Secretary David Miliband announced the rendition flights earlier Thursday. British Prime Minister Gordon Brown said he "shared the disappointment that everybody has" about the stops, and that it was important to ensure they would not happen again.

The State Department's top lawyer, **John Bellinger**, flew to London overnight to deal with potential diplomatic and political fallout, according to a senior State Department official.

One of the two prisoners is now jailed at Guantanamo Bay Naval Base and the other was released to his home country, where he has since been freed by that government, the U.S. intelligence official said.

The CIA didn't interrogate or imprison either man, according to the official. In this case, the CIA only moved the two men from one country to another.

The CIA has held and interrogated fewer than 100 prisoners in its detention program, using "enhanced" or harsh interrogation techniques on about a third of them, Hayden has told Congress.

The rendition program secretly transfers alleged terrorists from one country to another without formal extradition proceedings. It can involve moving prisoners to the custody of governments where harsh interrogation techniques, including torture, are known to be used. The U.S. government insists it does not move prisoners to third countries without assurances that torture will not be used.

The British government had previously insisted it had no evidence to support allegations that Britain had been involved in rendition.

At the time of the 2002 flights in question, the United States and Britain did not have an agreement regarding the use of the Diego Garcia facility for renditions, and the refueling stops did not require permission from British authorities, the State Department said.

However, that began to change in 2003 with an "evolving" series of understandings that now require the United States to seek and receive British permission to use Diego Garcia for renditions, spokesman Sean McCormack said.

A "final mutual understanding" appears to have been in place by late 2005, when Secretary of State Condoleezza Rice said the United States respects the sovereignty of foreign countries when conducting intelligence operations within their borders, suggesting that the CIA conducts rendition flights with the permission of the governments involved.

In a Dec. 6, 2005, interview with Sky News from Berlin, Rice publicly sidestepped a question about whether British airports or airspace were being used in rendition, and whether the British government was aware of it.

"We have obligations under our international conventions and we are respecting the sovereignty of our allies," she said. "We are not using the airspace or the airports of any of our partners for activities that would lead renditions to torture. We don't send people to be tortured."

McCormack said Rice spoke to Miliband about "the administrative error" on Wednesday.

"Unfortunately, even with the best intentions, unfortunately, even with the most rigorous searches and, unfortunately, with good technology, sometimes administrative errors occur and this was the case," McCormack said. "We regret that there was an error in initially providing inaccurate information to a good friend and ally."

McCormack said the review last year was "self-generated."

A U.S. intelligence official said the review was prompted by fresh allegations in the press last fall that Diego Garcia was being used as a secret detention site.

"We, in taking a look in particular at the issue of Diego Garcia, asked ourselves a few questions and as a result generated this search," he said.

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Gordon Johndroe, National Security Council spokesman for President Bush, said the incident was "unfortunate" but will not damage U.S.-British cooperation.

"Mistakes were made in the reporting of the information," he said. "But we will continue to have a good counterterrorism cooperation between the United States and United Kingdom."

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This e-mail is unclassified based on the definitions provided in E.O. 12958.

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LeBaron, Richard B (London)

From: Mills Jr., Richard M (London)
Sent: Thursday, February 21, 2008 4:01 PM
To: LeBaron, Richard B (London)
Subject: RE: What is reporting plan? Miliband in the HoC

Understood.

Pam is working on her cable with Bellinger's input; waiting for Maura's readout from the Lords -- at this point I expect her to come back to clear the cable.

Do you want to approve it as it stands @ 5:30 before you leave for your event tonight?

Rick M

From: LeBaron, Richard B (London)
Sent: Thursday, February 21, 2008 3:52 PM
To: Mills Jr., Richard M (London)
Subject: RE: What is reporting plan? Miliband in the HoC

Please include me on things we send to OPS, not just on this. RL

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From: Mills Jr., Richard M (London)
Sent: Thursday, February 21, 2008 3:07 PM
To: LeBaron, Richard B (London)
Cc: Connelly, Maura (London)
Subject: RE: What is reporting plan? Miliband in the HoC

At ops center request, we've sent in a para on the HOC session, questions asked, as well as the text as delivered.

Pam is drafting up a report now on the Commons session, with atmospheric, sense of the MPs comments.

Maura will call in from the Lords with similar para or two for inclusion in Pam's text.

Maura may be able to speak with several MPs after the Lords event, but we won't wait for that in order to get this quick summary out by COB today.

Rick M

From: LeBaron, Richard B (London)
Sent: Thursday, February 21, 2008 2:55 PM
To: Mills Jr., Richard M (London)
Subject: What is reporting plan? Miliband in the HoC

From: Schulz, Kirsten A (London)
Sent: Thursday, February 21, 2008 2:40 PM
To: Mills Jr., Richard M (London)
Cc: LondonPol; LeBaron, Richard B (London); Adams, Kelli C (London)
Subject: Miliband in the HoC

Rick,

Attached are the remarks Foreign Secretary Miliband made in the House of Commons regarding Diego Garcia and rendition, as delivered.

Kirsten

<< File: miliband HoC feb 08 as delivered.doc >>

LeBaron, Richard B (London)

From: Bellinger, John B(Legal)
Sent: Thursday, February 21, 2008 2:02 PM
To: LeBaron, Richard B (London)
Subject: Re: 2/21/08 London Media Schedule for Legal Advisor John Bellinger.

No problem.

B1

----- Original Message -----

From: LeBaron, Richard B (London)
To: Tremont, Pamela M (London); Bellinger, John B(Legal)
Sent: Thu Feb 21 09:00:03 2008
Subject: FW: 2/21/08 London Media Schedule for Legal Advisor John Bellinger

Please advise if the schedule below can be passed to Matthew Gould. We don't want to surprise Miliband.

RL

From: Poisson, Beth L (London)
Sent: Thursday, February 21, 2008 1:06 PM

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To: Bellinger, John B(Legal); Tremont, Pamela M (London); LeBaron, Richard B (London); Walkley, Barrie R (London); Armstrong, Bruce W; Graffy, Colleen P; Allegrone, Kathleen H; Sreebny, Daniel (London)
Cc: Parvin, Claire (London); Goshko, Matt E (London); Hartnoll, David J (London); Goodfriend, Frances A (London); Custin, Dick R (London)
Subject: 2/21/08 London Media Schedule for Legal Advisor John Bellinger

Here is what we have lined up for today. All of these will take place in the Embassy:

1530-1615 - Press Roundtable in PA Studio. Confirmed participants:
Gordon Corera BBC Radio News Security Correspondent
Clare Dyer The Guardian Legal Correspondent
Julian Bolger The Guardian Diplomatic Editor
Stephen Fidler, FT Defence and Security editor
Diana Geddes The Economist International Law and Human Rights Specialist
Gregory Katz AP Journalist
Alistair Grant AP Photographer
Frances Gibb The Times Legal Editor
Joshua Rozenberg The Daily Telegraph Legal Editor
Alistair Sharp Reuters Correspondent

1615-1630 - BBC national security correspondent Gordon Corera for BBC Radio News/possible clip for television in Hub offices.

1630-1650 - BBC Newsnight with presenter Kirsty Wark in PAO's office.

1705-1710 - SKY News, live in PA Studio using remote system (TBC).

Beth Poisson
Press Counselor
US Embassy
24 Grosvenor Square.
London W1A 2LH
44-020-7894-0672 - phone
44-20-7491-2485 - fax

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Alistair Grant	AP	Photographer
Frances Gibb	The Times	Legal Editor
Joshua Rozenberg	The Daily Telegraph	Legal Editor
Alistair Sharp	Reuters	Correspondent

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From: Ried, Curtis R (London)
Sent: Thursday, February 21, 2008 12:47 PM
To: Poisson, Beth L (London); Bellinger, John B(Legal); Tremont, Pamela M (London); Adams, Kelli C (London); LeBaron, Richard B (London); Connelly, Maura (London); Walkley, Barrie R (London); Armstrong, Bruce W; Allegrone, Kathleen H; Graffy, Colleen P; Padmanabhan, Vijay M
Cc: Goshko, Matt E (London); Custin, Dick R (London); Sreebny, Daniel (London)
Subject: RE: BBC News 24 Breaks Story

This just popped up on the Times website:

Philip Webster, Political Editor of The Times

David Miliband is expected to apologise to the Commons today as he discloses that two American "extraordinary rendition" flights did, after all, land on British soil.

The Government has always insisted that there was no evidence that such flights had occurred, but ministers have recently received information from Washington that two flights – one en route to Guantanamo Bay and one to Morocco – stopped over at Diego Garcia, the British overseas territory in the Indian Ocean.

The Foreign Secretary is expected to say that the Government did not know of the flights at the time it assured MPs that none had taken place and that efforts are under way that it never happens again.

More details soon.

From: Poisson, Beth L (London)
Sent: Thursday, February 21, 2008 12:34 PM
To: Bellinger, John B(Legal); Tremont, Pamela M (London); Adams, Kelli C (London); LeBaron, Richard B (London); Ried, Curtis R (London); Connelly, Maura (London); Walkley, Barrie R (London); Armstrong, Bruce W; Allegrone, Kathleen H; Graffy, Colleen P;

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Cc: Padmanabhan, Vijay M
Subject: Goshko, Matt E (London); Custin, Dick R (London); Sreebny, Daniel (London)
Importance: BBC News 24 Breaks Story
High

Gordon Corera, national security correspondent for BBC TV and radio, just described on BBC News 24 (BBC equivalent of CNN) the chain of events since Friday. Main points were: 1) the U.S. has admitted to HMG that two U.S. planes carrying prisoners transited DG in 2002, in contradiction to prior HMG assurances that no U.S. prisoners went through UK territory, 2) HMG will no doubt say it acted in good faith with the best information available to it, and 3) the importance of DG to the U.S. military.

Beth

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Beth